

S/N 09/974,719

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	NINKOV	Examiner:	C. OSTRUP
Serial No.:	09/974,719	Group Art Unit:	1614
Filed:	OCTOBER 9, 2001	Docket No.:	12996.5USU1
Customer No.:	23552	Confirmation No.:	7844
Title:	COMPOSITIONS FOR INJECTION OR INTRAVENOUS ADMINISTRATION FOR THE TREATMENT OF INTERNAL INFECTION OR INFLAMMATION IN HUMANS AND ANIMALS		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703.872.9306 on April 26, 2004.

By: *Victoria Hanson*  
Name: Victoria Hanson

TERMINAL DISCLAIMER TO OBLIGATE  
A DOUBLE PATENTING REJECTION

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, Van Beek Global, LLC, a corporation organized and existing under the laws of the State of Delaware and having its primary place of business at 3689 460th Street, in the city of Orange City, and the state of Iowa represents that it is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 09/974,719, filed on October 9, 2001 and entitled COMPOSITIONS FOR INJECTION OR INTRAVENOUS ADMINISTRATION FOR THE TREATMENT OF INTERNAL INFECTION OR INFLAMMATION IN HUMANS AND ANIMALS by virtue of our assignment recorded at Reel 013534, Frame 0192. Subsequent to the assignment recorded at Reel 013534, Frame 0192, a name change from Van Beek Global/Ninkov, L.L.C. to Van Beek Global, LLC was filed with the Assignment Division of the

U.S. Patent and Trademark Office on February 2, 2004. A copy is enclosed for the Examiner's reference.

Petitioner, Van Beek Global, LLC, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,414,036 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,414,036, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of United States Patent No. 6,414,036, in the event that United States Patent No. 6,414,036 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

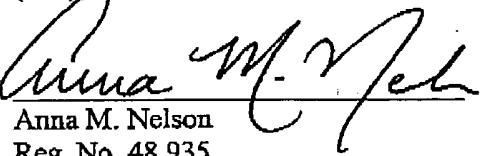
For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
(612) 332-5300

Date: April 26, 2004

  
Anna M. Nelson  
Reg. No. 48,935  
AMN:PLSdb

**THE STATEMENT BELOW IS FOR OFFICE USE ONLY**

In accordance with the decision granting the petition filed on \_\_\_\_\_, \_\_\_\_\_, this terminal disclaimer is accepted. The period of patent lapse specified above has been accepted as equivalent to \_\_\_\_\_ months.

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Petitions Examiner

FORM PTO-1595  
(Rev. 6-93)  
OMB No. 0651-0011 (exp. 4/04)  
M&G-12996.00000001

RECORDATION FORM COVER SHEET  
PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Van Beek Global/Ninkov, L.L.C.

## 2. Name and address of receiving party(ies):

Van Beek Global, LLC  
3689 460th Street  
Orange City, Iowa 51041

Additional name(s) of conveying party(ies) attached?  Yes  No

Additional name(s) & address(es) attached?  Yes  No

## 3. Nature of conveyance:

Assignment       Merger  
 Security Agreement       Change of Name  
 Other:

Execution Date: January 6, 2004

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

## A. Patent Application No.(s)

09/974,719; 10/056,593;  
10/366,634; 10/715,886

## B. Patent No.(s)

6,414,036 B1  
6,649,660 B2

Additional numbers attached?  Yes  No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Anna M. Nelson  
 Address: Merchant & Gould P.C.  
 P.O. Box 2903  
 Minneapolis, MN 55402-0903

## 6. Total number of applications and patents involved: 6

7. Total fee (37 CFR 3.41): \$240.00

Enclosed  
 Authorized to be charged to deposit account

8. Please charge any additional fees or credit any overpayments to our Deposit account number: 13-2725

DO NOT USE THIS SPACE

## 9. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Anna M. Nelson

Name of Person Signing

Signature

February 2, 2004

Date

Total number of pages including cover sheet, attachments, and document: 3

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

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23552

PATENT TRADEMARK OFFICE

- Reference copy -

# Delaware

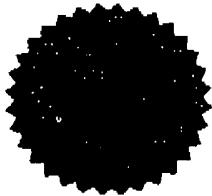
PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "VAN BEEK GLOBAL/NINKOV, L.L.C.", CHANGING ITS NAME FROM "VAN BEEK GLOBAL/NINKOV, L.L.C." TO "VAN BEEK GLOBAL, LLC", FILED IN THIS OFFICE ON THE THIRTEENTH DAY OF JANUARY, A.D. 2004, AT 7:26 O'CLOCK P.M.

3101606 8100

040025753



Harriet Smith Windsor  
Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 2868283

DATE: 01-13-04

*-Reference Card-*

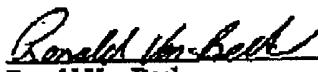
**CERTIFICATE OF AMENDMENT  
OF  
CERTIFICATE OF FORMATION  
OF  
VAN BEEK GLOBAL/NINKOV, L.L.C.**

The undersigned, Ronald Van Beek, President of Van Beek Global/Ninkov, L.L.C., a Delaware limited liability company (the "Company"), hereby certifies that the following resolutions were duly adopted by a majority of board of managers of the Company pursuant to Section 18-404 of the Delaware Limited Liability Company Act (the "Act"), and by the members of the Company pursuant to Section 18-302 of the Act, by a joint written consent dated as of January 6, 2004, and that such resolutions have not been subsequently modified or rescinded:

**RESOLVED**, that Article 1 of the Certificate of Formation of the Company is hereby amended to read in its entirety as follows:

"1. The name of the Company is Van Beek Global, L.L.C."

IN WITNESS WHEREOF, the undersigned, being duly authorized on behalf of the Company, has executed this document as of the 6th of January, 2004.

  
\_\_\_\_\_  
Ronald Van Beek

4837-3006-67302

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 09:29 PM 01/13/2004  
FILED 07:26 PM 01/13/2004  
SERV 040025753 - 3101606 FILE

**-Reference COPY-**